

# **Rep. Carolyn B. Maloney Amendment to HR 5005**

## **Amendment Summary**

### **Title X - Additional Responsibilities of Secretary**

#### **Purpose of the Amendment**

In response to the attacks of September 11<sup>th</sup> Congress took a series of actions to bring relief to effected areas. These legislative actions along with existing statutes, including the Robert T. Stafford Relief and Emergency Act and the Disaster Mitigation Act of 2000, formed the framework of the federal government's response. The magnitude of these attacks and the need for Congress to take action before certain relief could be delivered added to the challenge of the recovery efforts and exposed critical weaknesses in federal authority to respond.

One of the major lessons learned in the aftermath of the September 11<sup>th</sup> attacks is timely response is critical. Any delays complicates short-, medium-, and long-term recovery efforts. Three recent reports, *Federal Disaster Policies After Terrorist Strike: Issues and Options for Congress* (CRS June 24, 2002), *Review of Studies of the Economic Impact of the September 11, 2001, Terrorist Attacks on the World Trade Center* (GAO 5/29/02) and *Impact of the WTC Attack on the New York City Economy: An Update* (NY Federal Reserve 4/18/02), are comprehensive examinations of federal disaster relief efforts and policy following the attacks and serve as the foundation of the research for this amendment.

Today, the nation faces a new reality. New warnings about potential terrorist attacks and catastrophic events are disseminated at an unprecedented pace. Now is the time to plan for the recovery efforts that future attacks will precipitate.

This amendment gives the Secretary of Homeland Security a series of policy options to chose from following a homeland security event. A homeland security event is an event that poses a significant risk to the security of the people and property and is in such a magnitude that effective response is beyond the scope and capability of the effected state and local government. Many of these options are based on congressional action following September 11<sup>th</sup> or other policy suggestions in the before mentioned reports. Specifically, in the event of an homeland security event, the President can provide grants for lost tax revenue, aid to school systems, assistance to medical facilities and utility companies, and establishes additional guidelines to ensure the public health of the locally effected communities and disaster workers.

#### **Definition of Homeland Security Event**

“A finding that Federal assistance is necessary because the event poses a significant risk to the security of the people and property of the nation and is of such severity and magnitude that effective response is beyond the capability of the effected state and local government.”

A “homeland security event” is declared by the Secretary of Homeland Security at the request of a Governor.

### **After Declaration**

In general, the declared area receives all of the assistance as provided in a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act but also triggers a new level of assistance that is up to the discretion of the Secretary of Homeland Security. Detailed below are the options available to the Secretary and a brief description as to why they are included in this amendment.

The Secretary may:

- (1) Establish a coordinating office and appoint a disaster recovery director. Also establishes role of the coordinating office. This assures efficient use of Federal resources throughout the recovery process and single point-of-contact for local and state officials.
- (2) Provide reimbursement for Federal high security alerts. Following a disaster, response to alerts are critical and more costly for effected localities due to additional overtime costs. The effected area will already have its financial resources thinned.
- (3) Provide grants to a local governments that suffer substantial losses in tax revenues. After a disaster, expenditures of local government are the same or more despite the loss of tax and other revenue. This grant program is similar to the loan provision under the Stafford Act.
- (4) Authorize reimbursements to a school system. Lost instructional time, counseling, clean up, relocation, food spoilage, and replacement equipment can be reimbursed. There has been disputes of current authority to provide these services under the Stafford Act.
- (5) Provide grants, equipment, supplies, and personnel, to any non-profit medical facility. In an effort assist in disaster efforts and loss of revenues do to cancellation of other services, hospitals suffer a variety of losses following a major disaster. This would give authority to the Secretary to reimburse them for expenses following a homeland security event.
- (6) Provide limited reimbursement for for-profit telecommunication and phone services and for-profit utilities. Repairs to lost or damaged infrastructure and property that is beyond the insurance coverage of a for-profit utility may be reimbursed. This reimbursement can speed repair efforts and spare consumers from increased costs.

- (7) Authorize testing of indoor air quality. Protects the health of inhabitants and workers in the declared areas.

## **Reporting Standards**

The amendment mandates the Director of the Office of Management and Budget (OMB) to establish standards for reporting resources each federal agency spends on the disaster relief and the OMB Director will report this information to Congress annually. No complete collection of data has ever been done following a major disaster. This has prevented Congress from gaining a full understanding of the intricacies in responding to a disaster and how money is allocated and spent.

## **Monitoring of Health Risks**

The Secretary will appoint a commission to study the authority available to the Environmental Protection Agency (EPA) following a homeland security event. This study will examine the agency's authority to monitor the environment of the effected area, evaluate health risks and communicate with the effected community and first responders. This is to prevent some of the confusion over EPA's authority that occurred following the attacks of 9/11 and in response to EPA's own documents regarding the lessons they learned.

The amendment includes an additional duty for the Under Secretary for Chemical, Biological, Radiological, and Nuclear Countermeasures. This section amends Section 301 of the Chairman's Substitute. Transferring traditional powers while instructing the Under Secretary to:

1. Work with the EPA and the Centers for Disease Control (CDC) to develop guidelines regarding health risks for effected areas and instructs the CDC to provide the Under Secretary with information in the case of biological materials.
2. Provide for standardization, rapid collection and analysis, and communication following a homeland security event.
3. The amendment also includes authorization in coordination with the Secretary of Health and Human Services to make awards to private entities to collect health data in the aftermath of an event. These awards can be made in advance of the event for immediate response.

If you have any questions regarding this bill please contact Edward Mills or Robin Bachman in Rep. Carolyn Maloney's Office at 5-7944.

(Prepared by the Office of Rep. Carolyn Maloney)